
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

In re:

**PETER L. WOODMAN and CYNTHIA
M. WOODMAN,**

Debtors.

ORDER

Case No. 2:10CV155DAK

PETER WOODMAN,

Plaintiff/Appellant,

vs.

**ASPEN HILLS PROPERTIES LLC,
CONCEPT 1000, INC., CONCEPT
CONSTRUCTION, LLC, MICHAEL
HATCH, JERRY HATCH, DAN
BOWEN, BRUCE JEPPESEN,**

Defendants/Appellees.

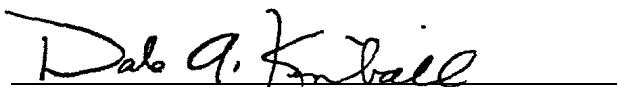
This matter is before the court on Defendants' Motion to Dismiss Appeal. The court held a hearing on the matter on June 30, 2010. At the hearing, Defendants were represented by G. Troy Parkinson and Plaintiff was represented by Larry Reed. The court heard arguments from counsel and took the motion under advisement. After considering the memoranda submitted by the parties and the law and facts relating to this matter, the court renders the following Order.

Defendants filed this motion to dismiss because of several procedural deficiencies in Plaintiff's attempt to appeal a determination of the Bankruptcy Court. Without identifying each

of Plaintiff's procedural deficiencies, the court notes that Defendants correctly identify each of the rule violations that occurred. Despite the numerous errors, however, only one appeal remains in which the Bankruptcy Court's ruling can be addressed on the merits. The court does not condone Plaintiff's counsel's disregard for the applicable rules. Furthermore, the court believes Plaintiff's counsel's conduct in ignoring a direct Order to Show Cause from the Bankruptcy Appellate Panel is unacceptable. Nonetheless, given the unique facts and circumstances of the case and the court's strong preference for deciding matters on the merits, the court denies Defendants' Motion to Dismiss Appeal.

DATED this 6th day of July, 2010.

BY THE COURT:



DALE A. KIMBALL
United States District Judge